

Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 18, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 35.

ACQUISITION OF HEATING PLANTS, WATER WORKS, GAS WORKS AND POWER PLANTS BY CONDEMNATION PROCEEDINGS.

S. F. 86.

AN ACT amending the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, entitled: "An act providing for acquiring by condemnation proceedings by cities and towns, of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907," and relating to the same subject.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. Court of condemnation. That the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, amending section seven hundred twenty-two (722) of the supplement to the code, 1907, be and the same is hereby amended by striking out all after the word "ordered" in line ten of section two of said chapter forty-five down to and including the word "works" in line fourteen and substituting in lieu thereof the following:

"And such court of condemnation at the time it meets to organize, as is provided in said order, or at any time during the proceeding, which may be adjourned from time to time for any purpose, may fix a time for the appearance of any person or persons which any party desires to have joined in the proceedings and which the court deems necessary, which time for appearance shall be sufficiently remote to give notice upon such parties; but if such time of appearance shall occur after any proceedings are begun they shall be reviewed by the court as it may direct to give all parties full opportunity to be heard. All persons not appearing and having any right, title, or interest in or to the property which is the subject of condemnation or any part thereof and including all leaseholders and mortgage trustees of bondholders, which are to be made parties to the proceedings shall be served with notice thereof, and the time and place of meeting of said court in the same manner and for the same length of time as the service of original notices, either by personal service or service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity of publication. These provisions shall also apply to condemnation proceedings which are pending, but nothing herein shall be held to invalidate any proceedings or notices served in any proceedings under chapter nine, title ten, or under the provisions of the act to which this is amendatory which have been had or taken at the time of the taking effect of this act."

SEC. 2. In effect. This act being deemed of immediate performance shall take effect and be in force from and after its passage and its publication in

the Register & Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 21, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 22, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 36.

LIBRARY TRUSTEES.

H. F. 488.

AN ACT to amend the law as it appears in section seven hundred twenty-eight (728) of the supplement to the code, 1907, relating to vacancies in office of library trustees.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. **What constitutes a vacancy.** That section seven hundred twenty-eight (728) of the supplement to the code, 1907, be, and the same is hereby amended by striking therefrom the following, which appears in lines sixteen (16) and seventeen (17) thereof: "The removal of any trustee permanently from the city shall render his office as a trustee vacant" and insert in lieu thereof the following: "The removal of any trustee permanently from the city, or his absence from six consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without due explanation of absence shall render his office as a trustee vacant".

Approved April 15, A. D. 1911.

CHAPTER 37.

EMISSION OF SMOKE IN CERTAIN CITIES.

H. F. 556.

AN ACT declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.]

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. **Declared a nuisance.** The emission of dense smoke within the corporate limits of any of the cities of this state now or hereafter having a population of sixty-five thousand (65,000) inhabitants or over, including cities acting under the commission plan of government is hereby declared to be a public nuisance.

SEC. 2. **Abatement.** Every such city is hereby empowered to provide by ordinance for the abatement of such nuisance either by fine or imprisonment or by action in the district court of the county in which such city is located, or by both, such action to be prosecuted in the name of the city. They may also by ordinance provide all necessary rules and regulations for smoke inspection and the abatement and prevention of the smoke nuisance.

Approved April 15, A. D. 1911.